

REMARKS

The Section 112 Rejections

Claims 1-22 were rejected under 35 U.S.C. §112, first paragraph. Applicants have amended these claims in line with the text of the specification.

Accordingly, Applicants request withdrawal of these rejections and allowance of claims 1-22.

The Section 103 Rejections of Claims 1-3, 9, 12-15 and 19-22

Claims 1-3, 9, 12-15 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sridhar, U.S. Patent No. 5,778,118 ("Sridhar"), in view of Park et al., U.S. Publication No. 2002/067526 ("Park"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of claims 1-3, 9, 12-15 and 19-22 require, among other things, either a method or a node which either: (a) selectively blocks optical channels that have been previously added to avoid wavelength collisions; or (b) adds such channels provided no wavelength collisions occur.

In contrast, Sridhar discloses an optical filter 40 which blocks optical wavelengths without regard to whether or not these wavelengths have been previously added. In addition, none of the other components within Sridhar discloses or suggests such selective blocking of previously added optical

wavelengths. Applicants note that Park does not make up for the deficiencies of Sridhar. Accordingly, Applicants respectfully submit that the claims of the present invention would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Sridhar and Park at the time the present application was filed.

Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-3, 9, 12-15 and 19-22.

Applicants also respectfully submit that the combination of Sridhar and Park is improper because such a combination would render one or both of these references unsatisfactory for their intended purposes.

In column 7, lines 15-19 of Sridhar, it is stated that “an arbitrary number of optical channels may be added to its optical system; the wavelengths of the optical channels do not need to correspond to the wavelengths of the channels blocked by the optical filter 40” (see also, column 6, lines 38-42).

In contrast, Park requires that the optical channels being added correspond to the optical wavelengths which have been previously dropped (see paragraph 0042; “the optical signal having the wanted wavelength can be dropped from and added to a specific node, in a bi-directional optical transmission system...”). In sum, one of ordinary skill in the art on reading the disclosures of Sridhar and Park would not be motivated to combine the two

because to do so would at least render Park unsatisfactory for its intended purpose; Park would not be able to add any arbitrary number of optical channels as is required by the disclosure of Sridhar.

In the Final Office Action, the Examiner states that Sridhar "clearly suggests on FIG. 1 to add and drop the same channels." Applicants respectfully disagree.

Applicants note that the optical coupler 20 does not "drop" any wavelengths. Instead, it splits each wavelength into ratio components with a first part continuing on a "through" path 50 and second part passing on to another path 60. It is the "gratings" 40 which block or drop wavelengths.

Applicants believe Sridhar clearly expresses, in more than one location, that wavelengths subsequently added need not correspond with any blocked wavelengths.

The Section 103 Rejections of Claims 4-8, 10, 11 and 16-18

Applicants respectfully submit that these claims depend on independent claim 1 or 13 and therefore are patentable over the combination of Sridhar and Park in further view of Thomas for the reasons stated above with respect to claims 1 and 13. Thomas does not make up for the deficiencies in Sridhar.

For at least these reasons, Applicants respectfully submit that claims 4-8, 10, 11 and 16-18 are patentable over the combination of Sridhar and Park in further view of Thomas. Accordingly, Applicants respectfully request

withdrawal of the pending rejections and allowance of claims 4-8, 10, 11 and 16-18.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

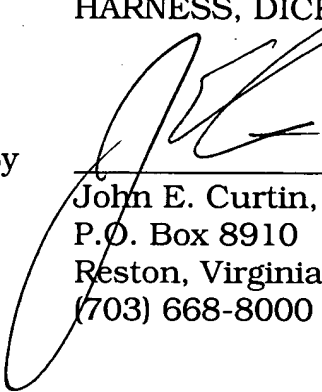
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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